

## **Part 2**

### **Board**

#### **58-17b-201 Board -- Membership -- Qualifications -- Terms.**

- (1) There is created the Utah State Board of Pharmacy consisting of five pharmacists, one pharmacy technician, and one member of the general public.
  - (a) The public member of the board shall be a Utah resident who:
    - (i) is 21 years of age or older;
    - (ii) has never been licensed to engage in the practice of pharmacy;
    - (iii) has never been the spouse of a person licensed to engage in the practice of pharmacy;
    - (iv) has never held any material financial interest in pharmacy practice; and
    - (v) has never engaged in any activity directly related to the practice of pharmacy.
  - (b) The licensed pharmacist and licensed pharmacy technician members of the board shall:
    - (i) have been Utah residents continuously for at least three years;
    - (ii) have at least five years experience in the practice of pharmacy in good standing with the division in Utah after licensure; and
    - (iii) maintain licensure in good standing to engage in the practice of pharmacy or practice as a pharmacy technician in Utah for the duration of the appointment.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203, and as required under Section 58-37f-202 regarding the controlled substance database. In addition, the board shall designate an appropriate member on a permanent or rotating basis to:
  - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
  - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
- (5) A board member may be removed in accordance with Subsection 58-1-201(2)(e) or upon one of the following grounds:
  - (a) refusal or inability for any reason of a board member to perform his duties as a member of the Board in an efficient, responsible, and professional manner;
  - (b) misuse of appointment to obtain personal, pecuniary, or material gain or advantage for himself or another through such appointment; or
  - (c) violation of the laws governing the practice of pharmacy or Chapter 37, Utah Controlled Substances Act.

Amended by Chapter 287, 2010 General Session